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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/754,519

01/04/2001

Noboru Shibuya

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11/12/2009

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

HENNING, MATTHEW T

ART UNIT

PAPER NUMBER

2431

NOTIFICATION DATE

DELIVERY MODE

11/12/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/754,519	Applicant(s) SHIBUYA ET AL.	
	Examiner MATTHEW T. HENNING	Art Unit 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12 and 15-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 and 15-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1 This action is in response to the communication filed on 6/29/2009.

2 **DETAILED ACTION**

3
4 *Response to Arguments*

5 Applicant's arguments filed 6/29/2009 have been fully considered but they are not
6 persuasive.

7 Regarding the applicants' assertion that certain paragraphs of the specification do provide
8 support for the limitation of "transferring copyrighted music data to the external storage card
9 even if power of said central processing unit is turned off", the examiner does not find the
10 argument persuasive. The sections cited by the applicants, once again, only show support for
11 reading music data from the external storage card even if power of said central processing unit is
12 turned off. These sections are silent to with respect to writing music content to the external
13 storage card even if the power of said central processing unit is turned off. In fact, the only
14 portion of the section cited by the applicants that pertains to writing music data to the external
15 storage card states "**On the basis of commands issued by CPU 51** and supplied via the bridge
16 58, the memory card driver 151-1 cross-authenticates the memory card 21-1 loaded in the
17 personal computer 1. **Under the control of the CPU 51**, the memory card driver 151-1 stores
18 the music data supplied from the HDD 67...into the authenticated memory card 21-1...via the
19 bridge 58". This clearly states that writing of music data to the memory card is under control of
20 the CPU. Therefore, for writing, the CPU must be powered. Therefore, the cited section does
21 not provide support for the claim limitation. Therefore, because the applicants have failed to
22 show proper support for the claimed subject matter, and the examiner is unable to find such

1 support in the specification as originally filed, one of ordinary skill in the art would not be able
2 to determine **whether the applicants were in possession of the invention as claimed at the**
3 **time of application.** Therefore, the examiner does not find the argument persuasive, and has
4 maintained the objection to the specification and the rejection of the claims under 35 USC 112
5 1st Paragraph.

6 Regarding the applicants' argument that Fig. 12 shows the claim feature and therefore the
7 objection to the drawings should be withdrawn, the examiner does not find the argument
8 persuasive. Fig. 12, and the description thereof, merely shows the process for writing music data
9 to the external storage card. In no way does Fig. 12 show that this is done even if power of said
10 central processing unit is turned off. As such, the examiner has maintained the objection to the
11 drawings.

12 In response to applicant's arguments against the references individually, one cannot show
13 nonobviousness by attacking references individually where the rejections are based on
14 combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*
15 *Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, it is the combination
16 of Tatebayashi and Chan, and what their teachings would suggest to the ordinary person skilled
17 in the art at the time of invention, which have been relied upon in rejecting the claims.

18 Regarding the applicants' argument that Chan does not teach that "said power controller
19 supplies power to said cross-authentication mechanism and said control mechanism even if
20 power of said central processing unit is turned off and when said external storage card has been
21 cross authenticated with said general-purpose computer, said external storage card control
22 mechanism transfers copyrighted music data to said external storage card even if power of said

1 central processing unit is turned off', the examiner does not find the argument persuasive.
2 Again, it is the combination of Tatebayashi and Chan which renders this claim obvious.
3 Tatebayashi teaches all of these limitations except that the functions may occur when the central
4 processing unit is turned off. Chan teaches that a music reproduction system, analogous to the
5 music reproduction system of Tatebayashi, can be provided with power and operational
6 functionality while the CPU is powered off. Therefore, the ordinary person skilled in the art at
7 the time of invention would have recognized that modifying the system of Tatebayashi by the
8 teachings of Chan would result in a system where the full functionality of the reader/writer of
9 Tatebayashi can function without the CPU being powered. Just as in Chan, the full functionality
10 of the CD player can be utilized when the CPU is not powered. Therefore, the examiner does not
11 find the argument persuasive.

12 Regarding the applicants' argument that the proposed combination of Tatebayashi and
13 Chan would require substantial reconstruction or redesign of the systems, the examiner does not
14 find the argument persuasive. First, the art of computer design is a predictable art, and there
15 would be no undo experimentation required in order to combine the teachings of Tatebayashi and
16 Chan. Second, the reader/writer of Tatebayashi is analogous to the CD drive of Chan, and
17 replacing one with the other would be completely within the level of skill in the art at the time of
18 invention. As such, the examiner does not find the argument persuasive.

19 In response to applicant's argument that the examiner's conclusion of obviousness is
20 based upon improper hindsight reasoning, it must be recognized that any judgment on
21 obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so
22 long as it takes into account only knowledge which was within the level of ordinary skill at the

Art Unit: 2431

1 time the claimed invention was made, and does not include knowledge gleaned only from the
2 applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,
3 170 USPQ 209 (CCPA 1971). As explained above, the teachings of Tatebayashi and Chan alone
4 provide the motivation to modify Tatebayashi by the teachings of Chan in the manner suggested.
5 As stated above, the reader/writer of Tatebayashi is analogous to the CD drive of Chan, and thus
6 it would be obvious to the ordinary person skilled in the art that when applying the teachings of
7 Chan in the system of Tatebayashi, the CD drive would be replaced by the reader/writer of
8 Tatebayashi. As such, the examiner does not find the argument persuasive.

9 The newly added claim limitations have been addressed below.

10 All objections and rejections not set forth below have been withdrawn.

11 Claims 12, and 15-26 have been examined and Claim 1-11, and 13-14 have been
12 cancelled.

13 *Drawings*

14 The drawings are objected to under 37 CFR 1.83(a). The drawings must show every
15 feature of the invention specified in the claims. Therefore, the transferring copyrighted music
16 data to the external storage card even if power of said central processing unit is turned off must
17 be shown or the feature(s) canceled from the claim(s). **No new matter should be entered.**

18 Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to
19 the Office action to avoid abandonment of the application. Any amended replacement drawing
20 sheet should include all of the figures appearing on the immediate prior version of the sheet,
21 even if only one figure is being amended. The figure or figure number of an amended drawing
22 should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

Art Unit: 2431

1 must be removed from the replacement sheet, and where necessary, the remaining figures must
2 be renumbered and appropriate changes made to the brief description of the several views of the
3 drawings for consistency. Additional replacement sheets may be necessary to show the
4 renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an
5 application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"
6 pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will
7 be notified and informed of any required corrective action in the next Office action. The
8 objection to the drawings will not be held in abeyance.

9 *Specification*

10 The specification is objected to as failing to provide proper antecedent basis for the
11 claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the
12 following is required: In this case, the newly claimed limitation of "transferring copyrighted
13 music data to the external storage card even if power of said central processing unit is turned off"
14 lacks support in the specification as originally filed. See the rejection of the claims under 35
15 USC 112 1st Paragraph below.

16 *Claim Rejections - 35 USC § 112*

17 The following is a quotation of the first paragraph of 35 U.S.C. 112:

18 The specification shall contain a written description of the invention, and of the manner and process of making
19 and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
20 pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
21 contemplated by the inventor of carrying out his invention.
22

23 Claims 12 and 15-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to
24 comply with the written description requirement. The claim(s) contains subject matter which
25 was not described in the specification in such a way as to reasonably convey to one skilled in the

Art Unit: 2431

1 relevant art that the inventor(s), at the time the application was filed, had possession of the
2 claimed invention. In this case, the newly added claim limitation reciting “transferring
3 copyrighted music data to the external storage card even if power of said central processing unit
4 is turned off” appears to lack support in the original specification. The applicant's have pointed
5 to portions of the specification as showing support for this limitation. However, in these
6 sections, as well as the remainder of the specification, the examiner is only able to find support
7 for reproducing (i.e. playing) music content when the CPU is not powered. Further, the
8 applicants have pointed to "original claim 15". The examiner points out that there is no "original
9 claim 15" in this application as the original application only contained 9 claims. Further,
10 previously presented claim 15, which cannot be relied upon as providing support for this new
11 limitation, again only shows reproduction of the music data, and not storing music data to the
12 memory card. Therefore, because the applicants have failed to show proper support for the
13 newly claimed subject matter, and the examiner is unable to find such support in the
14 specification as originally filed, one of ordinary skill in the art would not be able to determine
15 whether the applicants were in possession of the invention as claimed at the time of application.
16 Therefore, the claims are rejected for failing to meet the written description requirement of 35
17 USC 112 1st Paragraph.

18
19 ***Claim Rejections - 35 USC § 103***

20 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
21 obviousness rejections set forth in this Office action:

22 *A patent may not be obtained though the invention is not identically disclosed or*
23 *described as set forth in section 102 of this title, if the differences between the subject*

Art Unit: 2431

1 *matter sought to be patented and the prior art are such that the subject matter as a*
2 *whole would have been obvious at the time the invention was made to a person having*
3 *ordinary skill in the art to which said subject matter pertains. Patentability shall not be*
4 *negated by the manner in which the invention was made.*
5

6 Claims 12, 14-19, 21-22, and 25-26, are rejected under 35 U.S.C. 103(a) as being
7 unpatentable over Tatebayashi et al. (U.S. Patent Number 6,859,535) hereinafter referred to as
8 Tate, and further in view of Chan et al. (US Patent Number 6,226,237) hereinafter referred to as
9 Chan.

10 Regarding claim 12, Tate disclosed a general-purpose computer having a central
11 processing unit which can decode data stored in an internal storage mechanism as instructed by a
12 program stored in said internal storage mechanism (See Tate Col. 8 Lines 31-51), comprising: a
13 loading mechanism, which is integrally arranged on a case of said general-purpose computer, for
14 detachably accommodating an external storage card (See Tate Fig. 2 Elements 501 and 300; note
15 that Tatebayashi teaches that the memory card reader 400 and the memory card writer 300 can be
16 one in the same, as can be seen in Tatebayashi Col. 51 Line 64 – Col. 52 Line 11); a decoding
17 mechanism configured to decode data read from said external storage card (See Tate Col. 8 Lines
18 31-51 and Fig. 6 Element 460); a reproduction mechanism configured to reproduce decoded data
19 decoded by said decoding mechanism (See Col. 8 Lines 31-51); and said loading mechanism is
20 configured to read said decoded data based on commands from said central processing unit when
21 said general-purpose computer is in an active state (See Tate Col. 52 Paragraph 1), and a cross-
22 authentication mechanism configured to cross-authenticate said external storage card through
23 said loading mechanism (See Tate Col. 11 Lines 3-20); and a control mechanism for supplying
24 copyrighted data read from said external storage card to said reproducing mechanism upon

Art Unit: 2431

1 successful cross-authentication by said cross- authentication mechanism (See Col. 8 Lines 44-
2 51), when said external storage card has been cross-authenticated with said general-purpose
3 computer, an external storage card control mechanism plays copyrighted music data on a
4 portable music playing device by connecting said external storage card to said portable music
5 playing device (See Tate Col. 8 lines 44-51), but failed to disclose a power controller that
6 supplies power to said general-purpose computer, wherein said power controller supplies power
7 to said decoding mechanism and said reproduction mechanism even if power of said central
8 processing unit is turned off, and said loading mechanism is configured to read said decoded data
9 based on commands from an external storage card control mechanism integrally arranged on said
10 case of said general-purpose computer, without control of a central processing unit when said
11 general-purpose computer is in an inactive state, or wherein said power controller supplies power
12 to said cross-authentication mechanism and said control mechanism even if power of said central
13 processing unit is turned off, reproducing the copyrighted data even if power of said central
14 processing unit is turned off, and an external storage card control mechanism transfers
15 copyrighted music data to said external storage card even if power of said central processing unit
16 is turned off.

17 Chan teaches that when computers reproduce audio from an external device, much of the
18 power consumed by the computer is in peripherals not actually being used (See Chan Col. 1
19 Lines 29-37), and that unused portions of the computer, including the CPU, can be powered off
20 (un-energized), and when the CPU is energized the CPU will control the audio playback
21 commands, but when the CPU is not energized, an audio sub-system (106) should remain
22 energized to control the playback of the audio without use of the CPU (See Chan Col. 8

1 Paragraphs 2-3). Chan further teaches the implementation of such a system utilizes an audio
2 subsystem (106) which includes a power controller that supplies power to said general-purpose
3 computer, wherein said power controller supplies power to said decoding mechanism and said
4 reproduction mechanism even if power of said central processing unit is turned off (See Chan
5 Col. 8 Paragraphs 2-3: wherein the "computer subsystem 104", which includes the CPU as can
6 be seen in Fig. 1, is not energized), and said loading mechanism is configured to read audio data
7 based on commands from an external storage card control mechanism of said general-purpose
8 computer, without control of a central processing unit when said general-purpose computer is in
9 an inactive state (See Chan Col. 10 Line 48 – Col. 11 Line 58), or wherein said power controller
10 supplies power to said cross-authentication mechanism and said control mechanism even if
11 power of said central processing unit is turned off (See Chan Col. 8 Paragraphs 2-3: wherein the
12 "computer subsystem 104", which includes the CPU as can be seen in Fig. 1, is not energized).

13 Chan further teaches that the audio sub-system allows the selection and control of music
14 being played without powering on the CPU (See Chan Col. 3 Lines 37-40).

15 Chan further teaches that the audio sub-system 106 should have a track number display
16 and an Icon LCD which the audio subsystem uses to indicate operation (See Chan Col. 6 Lines
17 52-58).

18 It would have been obvious to the ordinary person skilled in the art at the time of
19 invention to employ the teachings of Chan within the audio reproduction system of Tate by
20 incorporating the audio subsystem 106 of Chan within the computer system 500 of Tate in order
21 to shut off the power to the idle personal computer while reading and reproducing music data
22 from the external medium by the content player subsystem, or by reading and reproducing the

1 data from the external medium by the content player subsystem without powering on the CPU,
2 and having a display configured to display operating characteristics of the audio device when the
3 computer is idle. This would have been obvious because the ordinary person skilled in the art
4 would have been motivated to reduce the power consumed by the system. It further would have
5 been obvious to the ordinary person skilled in the art at the time of invention to have employed
6 the teachings of Chan by including control buttons in the audio subsystem. This would have
7 been obvious because the ordinary person skilled in the art would have been motivated to
8 provide a means for controlling the playback of the audio by the audio subsystem.

9 In this combination it would have been obvious to the ordinary person skilled in the art at
10 the time of invention that the CD-ROM Drive 138 of Chan would be replaced with the memory
11 card reader/writer 300 and memory card writer slot 501 of Tatebayashi (which is integrally
12 arranged on the case of the personal computer 500 as can be seen in Fig. 2 of Tatebayashi)
13 within the audio subsystem 106, and to have allowed full functionality of the reader/writer when
14 the CPU was not powered, including writing music data to the memory card (Tatebayashi Col. 8
15 Lines 44-48). This would have been obvious because the ordinary person skilled in the art
16 would have recognized that the preferred audio system of Tatebayashi was the memory card
17 reader/writer, and not a CD-ROM drive.

18 In this combination it further would have been obvious to the ordinary person skilled in
19 the art to have energized the card reader/writer and its components, including the mutual
20 authentication unit, while the CPU of the personal computer and other components, which as
21 taught by Chan are not essential to the content reproduction, are not energized. This would have

1 been obvious because the ordinary person skilled in the art would have been motivated to
2 conserve energy while allowing for audio reproduction.

3 Regarding claim 15, Tate and Chan disclosed that in an inactive state in which no electric
4 power is supplied to said general-purpose computer, an external storage card control mechanism
5 reads copyrighted data from said external storage card and supplies said copyrighted data to a
6 portable music playing device (See Tate Col. 8 Lines 44-51 and the rejection of claim 12 above).

7 Regarding claim 16, see the rejection of claim 12 above.

8 Regarding claim 17, Tate and Chan disclosed that a function equivalent to a portable
9 music playing device is realized by executing, by a controller of said general-purpose computer,
10 a program stored in said internal storage mechanism of said general-purpose computer (See Tate
11 Col. 1 Lines 29-37 and Col. 8 Lines 31-51 and col. 52 Paragraph 1).

12 Regarding claim 18, Tate and Chan disclosed that said internal storage mechanism is a
13 hard drive (See Tate Lines 31-34).

14 Regarding claim 19, Tate and Chan disclosed that said copyrighted data is encrypted
15 copyrighted data (See Tate Abstract).

16 Regarding claim 21, Tate and Chan taught that said external storage card mechanism has
17 programmable power key functionality (See Chan Col. 11 Lines 55-58).

18 Regarding claim 22, Tate and Chan taught that said loading mechanism is located on a
19 side of a case enclosing a monitor for said general-purpose computer (Tate Fig. 2 Element 501).

20 Regarding claim 25, Tate and Chan taught that said encrypted data is encrypted by a Data
21 Encryption Standard encryption/decryption unit included in said external storage card (Tate Col.
22 16 Lines 16-35).

1 Regarding claim 26, Tate and Chan taught that said Data Encryption Standard
2 encryption/decryption unit has a random number generator configured to cross-authenticate said
3 external storage card and share a session key with said external storage card (Tate Col. 14 Line
4 14 – Col. 15 Line 18).

5 Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination
6 of Tate and Chan as applied to claim 12 above, and further in view of Schneier (Applied
7 Cryptography Second Edition).

8 Regarding claim 20, Tate and Chan disclosed that when said external storage card control
9 mechanism is operated and said central processing unit is in said inactive state, the audio
10 subsystem enters an initialize state (See Chan Col. 11 Lines 55-58), and in the initialize state, the
11 audio subsystem causes the audio player to play (See Chan Col. 10 Lines 56-67). However, Tate
12 and Chan failed to specifically disclose that in this case "a predetermined software program is
13 executed".

14 Tate did, however, disclosed that in order to reproduce the encrypted content, the
15 memory card reader and decrypts the encrypted content (See Tate Fig. 8), but Tate is silent as to
16 whether the decryption process is performed using a software program, or whether it was
17 performed using only hardware. Tate did disclose that the decryption occurs in the memory card
18 reader and that the decryption algorithm was pre-stored in the decryption unit (See Tate Col. 10
19 Lines 23-29 and Col. 16 Lines 49-64 and Col. 14 Lines 14-20).

20 Schneier teaches that any encryption algorithm can be implemented in software, and that
21 the advantages of doing so are in flexibility and portability, ease of use, and ease of upgrade (See
22 Schneier Page 225).

1 It would have been obvious to the ordinary person skilled in the art at the time of
2 invention to have employed the teachings of Schneier in the content reproduction system of Tate
3 and Chan, by implementing the pre-stored decryption algorithm in software. This would have
4 been obvious because the ordinary person skilled in the art would have been motivated to
5 provide the decryption with flexibility and portability, ease of use, and ease of upgrade.

6 Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination
7 of Tate and Chan as applied to claim 12 above, and further in view of Jones et al. (US Patent
8 Number 6,697,944) hereinafter referred to as Jones.

9 While Tate and Chan taught providing power to the detachable portable reader/writer,
10 Tate and Chan failed to specifically teach providing the power via a USB cable.

11 Jones teaches that USB cables can be used for providing data connections as well as
12 power for battery powered portable devices (Jones Col. 9 Lines 34-52).

13 It would have been obvious to the ordinary person skilled in the art at the time of
14 invention to have employed the teachings of Jones in the portable device system of Tate and
15 Chan by providing the data and power connection to the reader/writer via a USB cable. This
16 would have been obvious because the ordinary person skilled in the art would have been
17 motivated to provide a specific means to the generic power providing of Tate and Chan.

18 Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination
19 of Tate and Chan as applied to claim 12 above, and further in view of Boothroyd et al. (US
20 Patent Number 5,267,123) hereinafter referred to as Boothroyd.

1 While Tate and Chan did teach a display, Tate and Chan failed to specifically teach a
2 display located on a top side of a case enclosing a monitor for said general purpose computer,
3 said display being visible even when said top said of said case is closed.

4 Boothroyd teaches a display which is located on a case and is visible when the lid of the
5 case is closed (See Boothroyd Col. 1 Lines 26-31).

6 It would have been obvious to the ordinary person skilled in the art at the time of
7 invention to employed the teachings of Boothroyd in the computer system of Tate and Chan by
8 incorporating the pivotal display of Boothroyd in the computer. This would have been obvious
9 because the ordinary person skilled in the art would have been motivated to have the screen be
10 accessible when the computer lid is closed and protecting the keyboard.

11 ***Conclusion***

12 Claims 12, 14-26 have been rejected.

13 The prior art made of record and not relied upon is considered pertinent to applicant's
14 disclosure.

15 **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time
16 policy as set forth in 37 CFR 1.136(a).

17 A shortened statutory period for reply to this final action is set to expire THREE
18 MONTHS from the mailing date of this action. In the event a first reply is filed within TWO
19 MONTHS of the mailing date of this final action and the advisory action is not mailed until after
20 the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
21 will expire on the date the advisory action is mailed, and any extension fee pursuant to 37
22 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

1 however, will the statutory period for reply expire later than SIX MONTHS from the mailing
2 date of this final action.

3 Any inquiry concerning this communication or earlier communications from the
4 examiner should be directed to MATTHEW T. HENNING whose telephone number is
5 (571)272-3790. The examiner can normally be reached on M-F 8-4.

6 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
7 supervisor, William Korzuch can be reached on (571)272-7589. The fax phone number for the
8 organization where this application or proceeding is assigned is 571-273-8300.

9 Information regarding the status of an application may be obtained from the Patent
10 Application Information Retrieval (PAIR) system. Status information for published applications
11 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
12 applications is available through Private PAIR only. For more information about the PAIR
13 system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR
14 system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would
15 like assistance from a USPTO Customer Service Representative or access to the automated
16 information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

17
18
19 /Matthew T Henning/
20 Examiner, Art Unit 2431

21
22
23 /William R. Korzuch/
24 Supervisory Patent Examiner, Art Unit 2431
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26